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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,028	07/31/2003	Andrew J. Ries	P0009173.00	9663
27581	7590	05/28/2008		
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MINNEAPOLIS, MN 55432-9924				
EXAMINER				
ALTER, ALYSSA M				
ART UNIT		PAPER NUMBER		
3762				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,028

Applicant(s)

RIES ET AL.

Examiner

ALYSSA M. ALTER

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12, 14-16, 18-27, 29 and 30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-12, 14-16, 18-27, 29 and 30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed February 11, 2008 have been fully considered but they are not persuasive. The Applicant argues that Kuzma does not disclose a connector clip aperture. However as seen in figure 1, the receiver 20, which the examiner considers to be the clip aperture has an indentation or recess where the clip engages. Therefore, Kuzma does disclose a clip aperture.

Furthermore, the Applicant argues that the forked clip 56 of Stutz, Jr. does not possess a second distance greater than the first distance. However, Stutz, Jr. does disclose the clips free ends, 80 and 82, have a partial circular circumference of a diameter slightly greater than the lead boot 44, as seen in figure 3. Furthermore, since the clip engaged with the beveled washer 54, again seen in figure 3, there is inherently deflection occurring in the clip in order to provide tension in the system and provide a proper seal.

Therefore, the pending claims stand rejected under Kuzma and Stutz, Jr. as described below.

Double Patenting

1. Claims 1, 3-12, 14-16, 18-27 and 29-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/632058 (US Patent Publication 20050027327 A1) for reasons previously made of record.

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2. Claims 1, 3-12, 14-16, 18-27 and 29-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of copending Application No. 10/632026 (US Patent Publication 20050027325 A1) for reasons previously made of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-5, 7-8, 13-14, 16, 19-20, 22-24, 26 and 28-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kuzma (US 6,198,969 B1). Kuzma discloses a deflectable U-shaped connector clip, clamp 30, as seen in figures 1 and 2. The connector clip engaged the receiver 20, which the examiner considers the connector clip aperture. The connector clip aperture engages with the output bracket 10, which the examiner considers the connector block, by the connector port 11 within the longitudinal channel.

The examiner further considers the first deflection portion to be the indentation or tapered portion of receiver 20. As depicted in figure 1, this first deflection portion caused the two arms of the connector clip to deflect upon engagement. The first position of the clip is prior to engagement with the connector clip aperture and the second position of

the clip is post engagement with the aperture. Additionally, the first position corresponds to a first distance, while the second position corresponds to a second distance.

Therefore, since the first position is at a first distance prior to engagement and the second position is at a second distance post engagement, the second distance is larger than the first distance.

As to claim 5, the channel 24 in the connector clip aperture is considered to be the second deflection portion.

As to claims 14 and 24, the examiner considers the ends of the first and second arms to be protrusions or flanges. These protrusions are also considered by the examiner to be tapered, as depicted in figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-16 and 18-30 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Stutz, Jr. (US 5,413,595). Stutz, Jr. discloses a U-shaped lead retention and seal device. As depicted in figure 1, the deflectable U shaped connector clip 90 is inserted into the connector clip aperture in a longitudinal channel, slot 58.

Stutz, Jr. does disclose the clips free ends, 80 and 82, have a partial circular circumference of a diameter slightly greater than the lead boot 44, as seen in figure 3. Furthermore, since the clip engaged with the beveled washer 54, again seen in figure 3, there is inherently deflection occurring in the clip in order to provide tension in the system and provide a proper seal. Therefore, the first distance prior to complete insertion is smaller than the second distance post complete insertion.

During initial insertion of the forked clip 56 into the slot 58, the prongs 80, 82 of the forked clip 56 will converge or bend inward to allow the barbs 96, 98 to pass within the walls of the slot 58. However, once the forked clip 56 is inserted into the slot 58 to the "open" position, the barbs 96, 98 will prevent the forked clip 56 from being fully removed from the slot 58 by engaging step 100. In addition, the header 24 may be designed to include a port 102 (FIG. 1) opening into the slot 58, to allow the insertion of a tool or implement (not shown) in order to force the forked clip 56 from the "closed" position into the "open" position.

The examiner considers the first position to be prior to complete insertion into the slot, "closed position" and the second position to be complete insertion into the slot, "open position". Furthermore, the examiner considers the insertion of a lead to create a third position.

In the alternative, although the examiner considers Stutz, Jr. to disclose a second position greater than a first position above, it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the forked clip of Stutz, Jr. to have a greater second distance (post complete insertion) than the first

distance (prior to complete insertion) in order to provide the predictable results of enabling a proper lead engagement and sealing system by facilitate the resistive, and thus compressive, force exhibited by the clip's free ends being extended.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSSA M. ALTER whose telephone number is (571)272-4939. The examiner can normally be reached on M-F 9am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R Evanisko/
Primary Examiner, Art Unit 3762

/Alyssa M Alter/
Examiner
Art Unit 3762